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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ANDERSON, CATHARINE L

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

#CT

# Office Action Summary

Application No.

09/995,585

Applicant(s)

SVENSSON ET AL.

Examiner

C. Lynne Anderson

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the garment". There is insufficient antecedent basis for this limitation in the claim. Previously, a product is disclosed.

Claim 9 recites the limitation "the part" in line 2. There is insufficient antecedent basis for this limitation in the claim. Previously, a front part, a rear part, a crotch part, and a skewing-preventing part are disclosed, and it is unclear to which part the limitation refers.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-3, 5-6, and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kido et al. (5,897,546).

Kido discloses an absorbent product 1, as shown in figure 1, comprising a casing 2, 3, having an outer side 3 and an inner side 2. The absorbent product 1 further comprises a front part 6, a rear part 5, a crotch part 7, and an absorbent structure 4. The opposing side portions of the absorbent product 1 are attached by a fastening system. The fastening system comprises at least two cooperating elements, a first element 10 and a second element 11. The first element 10 functions as a landing zone for the second element 11, and comprises at least one skewing-preventing part 21, as shown in figure 2.

With respect to claim 2, the first element 10 comprises a landing zone 22 having two lateral sides, and a skewing-preventing part 21 on each of the sides, as shown in figure 2.

With respect to claim 3, the first element 10 is divided into two separate pieces, as shown in figure 1, each piece comprising a landing zone 22 and a skewing-preventing part 21. The skewing-preventing part 21 is positioned laterally outside the landing zone 22, as shown in figure 2.

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With respect to claim 5, the skewing-preventing part 21 is positioned outside the lateral side of the casing 2, 3, as shown in figure 3.

With respect to claim 6, the skewing-preventing part 21 is a hook material, as shown in figure 3, which is fully capable of being attached to the inner side 2 of the casing.

With respect to claim 9, the skewing-preventing part 21 is capable of adhering to a backing sheet material of the side edges of the second element 11, as shown in figure 1.

With respect to claim 10, the absorbent product 1 is a diaper, as described in column 1, lines 6-8.

Claims 1, 7, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Siebers et al. (5,984,911).

Siebers discloses an absorbent product 2, as shown in figure 1, comprising a casing 4, 6, having an outer side 4 and an inner side 6. The absorbent product 2 further comprises a front part 16, a rear part 17, a crotch part 14, and an absorbent structure 8. The opposing side portions of the absorbent product 2 are attached by a fastening system. The fastening system comprises at least two cooperating elements, a first element 22 and a second element 40. The first element 22 functions as a landing zone for the second element 40, and comprises at least one skewing-preventing part attaching the first element 22 to the outer side 4 of the casing, as described in column 3, lines 36-37.

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With respect to claim 7, the landing zone of the first element 22 comprises a loop material, as shown in figure 1.

With respect to claim 8, the second element comprises a hook material, as shown in figure 1.

With respect to claim 10, the absorbent product 2 is a diaper or incontinence garment, as disclosed in column 3, lines 9-11.

Claims 1-2, 4, and 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Pozniak et al. (6,406,466).

Pozniak discloses an absorbent product 10, as shown in figure 1, comprising a casing 22, 24, having an outer side 22 and an inner side 24. The absorbent product 10 further comprises a front part 10, a rear part 14, a crotch part 18, and an absorbent structure 26. The opposing side portions of the absorbent product 10 are attached by a fastening system. The fastening system comprises at least two cooperating elements, a first element 34 and a second element 30, as shown in figure 8. The first element 34 functions as a landing zone for the second element 30, and comprises at least one skewing-preventing part 36, as described in column 15, lines 45-50.

With respect to claim 2, the first element 34 comprises a landing zone, as disclosed in column 15, lines 45-48. Two skewing-preventing parts 36 are located on each side of the landing zone, as shown in figure 8.

With respect to claim 4, the skewing-preventing part 36 is positioned at a distance of 0 mm from the lateral side edge, as shown in figure 8.

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With respect to claim 6, the skewing-preventing part 36 comprises a hook material part, as described in column 9, lines 1-3, which is fully capable of being attached to the inner side 24 of the casing.

With respect to claim 7, the landing zone of the first element 34 comprises a loop material, as disclosed in column 15, lines 45-46.

With respect to claim 8, the second element 30 comprises a hook material 40, as shown in figure 2.

With respect to claim 9, the skewing-preventing part 36 is fully capable of being attached to a backing sheet material.

With respect to claim 10, the absorbent product 10 is a diaper or an incontinence garment, as disclosed in column 1, lines 22-24.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents 6,102,901 and 6,306,121 pertain to absorbent products having skewing-preventing parts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (703) 308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 306-4520 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

WA

cla

December 30, 2002

  
DENNIS RUHL  
PRIMARY EXAMINER